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IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION
OF AFRICA

Report of the Secretary-General

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INTRODUCTION

1. At its forty-seventh session, the General Assembly adopted resolution 47/76, entitled "Implementation of the Declaration on the Denuclearization of Africa", in which the Assembly, inter alia, requested "the Secretary-General to report to the General Assembly at its forty-eighth session on the progress made by the Director General of the International Atomic Energy Agency in ensuring the full implementation of the safeguards agreement with South Africa".
2. The present report is submitted by the Secretary-General pursuant to the request.
3. As requested, the Secretary-General contacted the Director General of the International Atomic Energy Agency in order to obtain the required information. The information provided is contained in annexes I and II to the present report.

ANNEX I

An African nuclear-weapon-free zone

Resolution GC(XXXVII)/RES/625 adopted by the General Conference of the International Atomic Energy Agency at the 362nd plenary meeting on 1 October 1993

The General Conference.

- (a) Recalling its resolutions GC(XXVII)/RES/408, GC(XXVIII)/RES/423, GC(XXX)/RES/442, GC(XXX)/RES/468, GC(XXXI)/RES/485, GC(XXXII)/RES/503, GC(XXXIII)/RES/524, GC(XXXIV)/RES/545, GC(XXXV)/RES/567 and GC(XXXVI)/RES/577,
- (b) Taking note of the fact that the South African Government acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 10 July 1991 and that its safeguards agreement with the Agency in connection with the Treaty entered into force on 16 September 1991, as well as of its commitment to early and full implementation of this agreement,
- (c) Also taking note of the announcement by South Africa that it had voluntarily abandoned its nuclear deterrent capability before accession to the NPT, and of its standing invitation to the Agency to inspect past nuclear weapon programme activities and facilities and to verify its full disclosure,
- (d) Recognizing that the full disclosure of South Africa's nuclear facilities and materials is a contributing factor to the peace and security of the region and to the current efforts aimed at the establishment of a nuclear-weapon-free zone (NWFZ) in Africa, on the basis of the Declaration on the Denuclearization of Africa adopted by the Organization of African Unity (OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964, and of resolution A/RES/46/34.B adopted on 9 December 1991 by the General Assembly of the United Nations,

(c) Welcoming the progress made at the third meeting of the UN/OAU Group of Experts to draft a treaty on an African Nuclear-Weapon-Free Zone, which was held in Harare from 5 to 8 April 1993,

1. Takes note of the report of the Director General on the Agency's verification activities in South Africa contained in document GC(XXXVII)/1075;
2. Requests South Africa to continue its stated policy of full transparency;
3. Commends the African States in their efforts directed towards the establishment of an African Nuclear-Weapon-Free Zone and requests the Director General to continue to assist them in these efforts; and
4. Further requests the Director General to report on the progress made in implementing this resolution to the Board of Governors and to the General Conference at its thirty-eighth regular session under an agenda item entitled "An African Nuclear-Weapon-Free Zone".

ANNEX II

Denuclearization of Africa

Report by the Director General

of the International Atomic Energy Agency

1. In resolution GC(XXXVI)/RES/577, the General Conference last year:
 - (a) Took note "of the report of the Director General on the implementation of the safeguards agreement between the South African Government and the Agency, including the verification of the completeness of the inventory of South Africa's nuclear installations and material, pursuant to General Conference resolution GC(XXXV)/RES/567";
 - (b) Requested "South Africa to continue to co-operate with the Agency in the implementation of the safeguards agreement"; and
 - (c) Requested the Director General "to assist the African States in their efforts towards the establishment of a NWFZ in Africa".
2. The resolution further requested the Director General "to report on the progress made in implementing this resolution to the Board of Governors and to the General Conference at its thirty-seventh regular session under an agenda item entitled "The Denuclearization of Africa".
3. Accordingly, the attached report covers (i) the Agency's verification activities in South Africa (appendix I); and (ii) Assistance to African States in their efforts towards the establishment of a Nuclear-Weapon-Free Zone in Africa (appendix II).

Appendix I

THE AGENCY'S VERIFICATION ACTIVITIES IN SOUTH AFRICA

GENERAL BACKGROUND

1. In resolution GC(XXXV)/RES/567 the Director General was requested "to ensure early implementation of the safeguards agreement" concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) between the Republic of South Africa and the Agency on 16 September 1991 (INFCIRC/394) and "to verify the completeness of the inventory of South Africa's nuclear installations and material". Accordingly, a report on the completeness of the inventory of South Africa's nuclear installations and material, document GC(XXXVI)/1015, dated 4 September 1992, was submitted to the General Conference in 1992 and the Conference in resolution GC(XXXVI)/RES/577, inter alia, requested South Africa to continue to co-operate with the Agency in the implementation of the safeguards agreement. Following South Africa's announcement of its abandoned nuclear weapons programme a report on related Agency activities, document GOV/INF/698, dated 27 May 1993, was submitted to the Board of Governors. In discussions on that report, at the June 1993 meeting of the Board of Governors, the Director General was requested to inform the Board about the progress of the Agency's verification activities in South Africa.

2. The present document reports the progress made in implementing the safeguards agreement, including the verification of the completeness of the inventory of South Africa's nuclear installations and material, and also contains the Agency's assessment of the status of South Africa's former nuclear weapons programme.

IMPLEMENTATION OF THE SAFEGUARDS AGREEMENT

3. Following the entry into force of the safeguards agreement the initial report on the inventory of nuclear material in all nuclear facilities and locations outside facilities, as of 30 September 1991, was submitted to the Agency on 30 October 1991. Implementation of the safeguards agreement commenced, with ad hoc inspections, in November 1991 since which time the Agency has carried out 22 inspection missions in South Africa. These inspection missions, scheduled at monthly intervals, have involved more than 150 inspections at individual facilities and locations outside facilities. The safeguards criteria 1991-1995 have been fully implemented since the beginning of 1992 and the quantity component of the

inspection goal was achieved for all nuclear material subject to the safeguards agreement in all nuclear facilities during that year. In this connection near-simultaneous physical inventory verifications were carried out in August 1992 and will be repeated in October 1993.

4. The general part of the subsidiary arrangements entered into force on 20 August 1992 and since that time six facility attachments have entered into force. Work is in progress on the remaining eight facility attachments. The South African authorities have provided extensive co-operation to the Agency in the implementation of safeguards.

5. A team of senior members of the Department of Safeguards was appointed by the Director General in November 1991 to verify the completeness of the inventory of South Africa's nuclear installations and material. In GC(XXXVI)/1015 it was stated that "the team found no evidence that the list of facilities and locations outside facilities provided by South Africa in its initial report, as required by the safeguards agreement, was incomplete" and that "the team found no evidence that the inventory of nuclear material included in the initial report was incomplete". The team however also reported that the uranium-235 balances they had calculated for both the pilot enrichment plant and the semi-commercial enrichment plant showed apparent discrepancies.

6. Since document GC(XXXVI)/1015 was issued there have been four additional visits by members of the team to South Africa with the objective, inter alia, to further examine the apparent discrepancies with particular reference to the uranium-235 balance associated with the high enriched uranium (HEU) produced by the pilot enrichment plant. Through consultations with officials of the Atomic Energy Corporation (AEC) and detailed re-examination of the historical records of specific periods of operation and intervening shutdown periods, since the start-up of the pilot enrichment plant, the team has obtained clarifications which have resulted in substantial reduction of the magnitude of the apparent discrepancy in the uranium-235 balance associated with this plant. Having regard to the uncertainties normally associated with data of this nature, it is reasonable to conclude that the uranium-235 balance of the high enriched uranium, low enriched uranium and depleted uranium produced by the pilot enrichment plant is consistent with the uranium feed.

7. In addition, the team has assessed the consistency of the declared HEU product with the production capacity of the pilot enrichment plant. In the course of the assessment, the team examined many thousands of records relating to the operation of the plant and

intervening shutdown periods. The AEC also provided copies of several thousand such records to the Agency along with specimens of original records and copies of technical reports, produced during the lifetime of the pilot enrichment plant; these reports describe phenomena, such as chemical losses, which were unique to the process gas mixture and the plant construction materials and which influenced the output of the plant.

8. From the team's assessment of the production capacity of the pilot enrichment plant, on the basis of operating records and supporting technical data provided to the team by the AEC, it is reasonable to conclude that the amounts of HEU which could have been produced by the pilot enrichment plant are consistent with the amounts declared in the initial report.

9. Lower priority has been assigned to the team's activities concerned with the examination of the apparent discrepancy in the uranium-235 balance associated with the semi-commercial enrichment plant which is designed to produce low enriched uranium. Efforts to clarify this apparent discrepancy will now proceed. The necessary activities will, to the extent possible, be carried out in conjunction with regular inspection activities and the results will be evaluated by the team.

ASSESSMENT OF THE STATUS OF SOUTH AFRICA'S FORMER NUCLEAR WEAPONS PROGRAMME

Objectives

10. In conjunction with the activities described in paragraphs 5 to 9 above and at the invitation of the South African Government, the team, assisted by nuclear weapons experts, has carried out an assessment of the status of South Africa's former nuclear weapons programme with particular respect to its origin, scope and the adequacy of the measures taken to dismantle and destroy sensitive components of the weapons and to recover the nuclear material involved. The initial objectives of the team, described in document GOV/INF/698, were augmented as follows:

- i) To gain assurance that all nuclear material used in the nuclear weapons programme had been returned to peaceful usage and had been placed under IAEA safeguards;
- ii) To assess that:

- all non-nuclear weapons-specific components of the devices had been destroyed;
 - all laboratory and engineering facilities involved in the programme had been fully decommissioned and abandoned or converted to peaceful usage (commercial non-nuclear usage or peaceful nuclear usage);
 - all weapons-specific equipment had been destroyed and that all other equipment had been converted to peaceful usage;
- iii) To obtain information regarding the dismantling programme, the destruction of design and manufacturing information, including drawings, and the philosophy followed in the destruction of the nuclear weapons;
- iv) To assess the completeness and correctness of the information provided by South Africa with respect to the timing and scope of the nuclear weapons programme and the development, manufacture and subsequent dismantling of the nuclear weapons;
- v) To consult on the arrangements for, and ultimately to witness, the rendering useless of the Kalahari test shafts;
- vi) To visit facilities previously involved in or associated with the nuclear weapons programme and to confirm that they are no longer being used for such purposes;
- vii) To consult on future strategies for maintaining assurance that the nuclear weapons capability would not be regenerated.

11. These objectives were based on the Agency's rights and obligations under the safeguards agreement and on the stated policy of the South African Government for full transparency with respect to the country's former nuclear weapons programme. The team had extensive discussions with the South African authorities and technical staff at the AEC and at the state owned National Armaments Corporation (ARMSCOR) who had been in charge of the nuclear weapons programme. Detailed briefings were provided on the various phases of the programme and on the associated development and production facilities. Information on the future developments of the programme which had been envisaged before the order to dismantle the nuclear weapons programme intervened was also provided.

Timing and scope of the nuclear weapons programme

12. The following paragraphs (13 through 20) provide a summary of the timing and scope of the nuclear weapons programme compiled by the team on the basis of official documents, programme records and information obtained through interviews with principal personnel at the various facilities and locations involved in the programme. A chronology of the main events in the nuclear weapons programme is attached as attachment 1.

13. A¹ internal committee of the South African Atomic Energy Board, a predecessor of the AEC, was appointed in 1969 to investigate the economic and technical aspects of the peaceful uses of nuclear explosives with particular reference to South Africa's mining industry. In March 1971, in accordance with the recommendations of this committee, permission was given to the AEC, by the Minister of Mining, to commence secret research and development work on nuclear explosive devices. In 1974, the then Prime Minister, approved a redefinition of the objectives of the research and development work which transferred the emphasis to a limited nuclear weapons deterrent programme.

14. In the ensuing years, up to 1977, the AEC developed computer programmes (internal ballistic and neutronic codes), carried out experiments to determine equations-of-state of materials, designed and constructed a critical facility and carried out work with gun propellants. This phase of the programme resulted in the production, in mid-1977, of a gun-assembled device, without the HEU core. Parallel activities had commenced in 1973 with a view to locating a suitable test site and by November 1976 the first test shaft had been completed at a site, in the Kalahari desert, at Vastrap, north of Upington. A second test shaft was completed on the same site in 1977, shortly after which the site was abandoned.

15. Work had started in the 1960s on the development of an indigenous method for uranium enrichment. This work resulted in the design, construction and commissioning of the pilot enrichment plant which commenced full operation in 1977 and by the second half of 1979 had produced sufficient HEU material for the first nuclear device. This device was completed by the AEC in November 1979 and was designed in such a way that, if the need arose, it could be rapidly deployed for an underground test to demonstrate South Africa's nuclear weapons capability. Its purpose remained that of a demonstration device throughout the programme; it was never converted to a deliverable device.

16. In 1979 the responsibility for the nuclear weapons programme was transferred to ARMSCOR while the AEC was made responsible for the production and supply of HEU and for theoretical studies and development work in nuclear weapons technology. ARMSCOR's nuclear weapons activities were headquartered in facilities, known as the Circle, located some 15 kilometers away from the AEC's establishment at Pelindaba. The Circle facilities were constructed during 1980 on the basis of designs provided by the AEC and were commissioned in May 1981. The nuclear weapons programme, thus established, involved:

- the development and production of a number of deliverable gun-assembled devices;
- lithium-6 separation for the production of tritium for possible future use in boosted devices;
- studies of implosion and thermonuclear technology;
- research and development for the production and recovery of plutonium and tritium.

This last mentioned activity was to include the design and construction of a reactor to be built at a site at Gouriqua, near Mosselbay in the Cape Province. Plans for this site were revised in the course of the nuclear weapons programme such that the final option would have involved the construction of a 150 MW pressurised water research and development reactor, retaining the capability for plutonium and tritium production. Beyond some rudimentary civil engineering preparations the site was never developed; it was recently sold by the AEC to a private purchaser.

17. In the period following the 1979 decision to transfer, to ARMSCOR, the responsibility for the production of the nuclear weapons, the AEC's contribution to the programme involved work on miniaturised neutron generators for potential use as initiators for the nuclear weapons and theoretical and practical research and development work on lithium-6 separation for the possible production of tritium. The AEC also carried out theoretical and basic development work on the use of tritium for the boosting of gun-assembled devices. The team was informed that no tritium was actually used in this work. The AEC had received some tritium in 1977, but after the withdrawal of a small sample for the verification of its quality, the material remained in store until 1987, when it was used for the commercial production of radioluminescent light sources. The AEC also established facilities and techniques for the handling of transuranium elements based on development

work using americium and neptunium. These facilities and techniques were used to recover the plutonium from a damaged plutonium/beryllium neutron source. The recovered plutonium was recorded in the initial report.

18. In September 1985 the South African Government decided to limit the scope of the programme to the production of seven gun-assembled devices, to stop all work related to possible plutonium devices and to limit the production of lithium-6, but to allow further development work on implosion technology and theoretical work on more advanced devices.

The first prototype deliverable device had been completed in December 1982, but it was not until August 1987 that the first qualified production model was completed. The delay was largely due to the implementation of a rigorous engineering qualification programme directed towards safety and security under a range of postulated storage, delivery and accident scenarios. When, in November 1989, the decision was taken by the Government to stop the production of nuclear weapons, four further qualified deliverable gun-assembled devices had been completed and the HEU core and some non-nuclear components for a seventh device had been fabricated. On 26 February 1990 the State President issued a written instruction that, inter alia, all existing nuclear devices were to be dismantled and the nuclear materials melted down and returned to the AEC in preparation for South Africa's accession to the NPT.

19. A steering committee was established by the Government of South Africa to evaluate and approve the procedures to be followed in the dismantling of the weapons and in the dismantling and decontamination of the related facilities. These procedures included provisions for the destruction of the sensitive weapons components and design information.

The dismantling programme was approved by the State President in July 1990 and by 6 September 1991 all of the HEU had been removed from the weapons, melted down and returned from ARMSCOR to the AEC. Prior to the entry into force of the safeguards agreement, on 16 September 1991, the ARMSCOR/Circle facilities had been completely decontaminated and the equipment that had been used for the melting and casting of HEU had been transferred to the AEC. By 23 March 1993 most of the classified documents had been destroyed and the sensitive weapons components had either been destroyed or damaged beyond re-use.

20. It is a matter of public record that on 24 March 1993 the South African State President announced the former existence and the subsequent abandonment of South Africa's nuclear weapons capability. At that time two members of the Agency team were present

at the AEC for the purpose of carrying out follow-up actions relating to the verification of the completeness of the inventory of South Africa's nuclear installations and material. On 25 March 1993 these team members made a preliminary visit to some of the main facilities involved in the former nuclear weapons programme.

Dismantling and destruction of the nuclear weapons

21. By the time of the team's visit in April 1993, the dismantling and destruction of weapons components and the destruction of the technical documentation had been nearly completed. Dismantling records concerning the HEU components of the weapons were available and provided sufficient detail to enable the ARMSCOR data to be correlated with the corresponding data in the nuclear material accountancy records maintained by the AEC.

No records were available with respect to the amounts of natural and depleted uranium used in the experimental devices. The team was informed that neither the AEC nor ARMSCOR/Circle had kept any records with respect to such material transferred to the nuclear weapons programme, on the grounds that natural and depleted uranium had been considered ordinary metal with little nuclear significance or financial value.

22. The dismantling of the non-nuclear components of the weapons was carried out in accordance with procedures approved by the South African authorities. The various mechanical, electrical and pyrotechnic components were categorised according to their design sensitivity and instructions were given requiring that sensitive components were either to be broken down for storage as raw materials or non-sensitive parts or destroyed by cutting and melting or, in the case of pyrotechnic components, by detonation. The dismantling records comprised brief hand-written listings of component systems dismantled from the deliverable devices. The team was informed that no records had been kept documenting the dismantling of the components of the demonstration device or any of the pre-production experimental devices or on the destruction of their components. A number of destroyed or partially destroyed components had been retained and were shown to some members of the team in April 1993. Remaining records, in the form of "build-history" log books for the completed weapons and the experimental devices, were examined and compared with the dismantling listings. The identification numbers of the remaining components were compared and found to be consistent with those shown in the records.

23. The team recommended the complete destruction of those remaining components, photographs and drawings which could reveal significant dimensions or the design of the

nuclear material core and any components that would simplify engineering design or reveal dimensions of other sensitive components. Illustrative examples of such components were indicated by the team. In this context the team stated that the term "destruction" should be taken to mean that the critical dimensions of destroyed components would no longer be measurable or reproducible, that the intended function would no longer be recognisable or that a destroyed item could not be reconstituted faster or more economically than it could be redesigned or rebuilt. The team recommended that the archive records be retained for three months to allow for any further clarification that might be required, after which they should also be destroyed.

Recovery of nuclear material and its return to peaceful usage

24. The team carried out an audit of the records of the transfer of weapons-grade HEU between the AEC and ARMSCOR/Circle. As a result of this audit, the team concluded that the HEU originally supplied to ARMSCOR/Circle had been returned to the AEC and was subject to Agency safeguards at the time of entry into force of the safeguards agreement. The audit of the records relating to the transfer of HEU between the AEC and ARMSCOR/Circle for the manufacture of uranium/aluminum alloy for fuel for the SAFARI-1 research reactor resulted in a similar conclusion. The team verified the depleted and natural uranium transferred back to the AEC from ARMSCOR/Circle after the abandonment of the nuclear weapons programme and found it to be consistent with the summary records provided, but no records were available covering the transfer of such material during the programme.

Facilities involved in the nuclear weapons programme

25. A complete list of the facilities visited in connection with the assessment of the status of the former nuclear weapons programme is in attachment 2. It is appropriate to record the active co-operation of the South African authorities in arranging for access to all facilities that the team requested to visit - both those facilities which had been provisionally listed by the South African authorities as having direct connection with the former nuclear weapons programme or with peripheral activities and additional facilities identified by the team. The Secretariat is not in possession of any information suggesting the existence of any undeclared facilities.

Rendering useless the test shafts at the Kalahari site

26. The Agency and the South African authorities agreed that the test shafts could be considered to have been rendered useless when, as a direct result of the measures taken, their reconstitution would be more difficult or expensive than the construction of new facilities. A plan for the rendering useless of the test shafts, incorporating specific suggestions made by the Agency team, was prepared by ARMSCOR and initiated in June 1993. Although the implementation of this plan met with some initial practical difficulties, the measures to render useless the test shafts were successfully completed during the period from 26 to 30 July 1993 and were witnessed by Agency safeguards inspectors. Members of the team visited the Kalahari site on 11 August 1993 and concluded that the measures taken, which had involved back-filling with sand and the casting in place of reinforced concrete plugs at various levels, had rendered useless the test shafts.

Equipment used in the nuclear weapons programme

27. The equipment used for uranium metallurgy at ARMSCOR/Circle had been returned to the AEC at the end of the programme. The whole uranium metallurgy process area at ARMSCOR/Circle had been dismantled and decontaminated. The machine tools used for manufacturing the HEU and high explosives components had been decontaminated and are now available for commercial non-nuclear applications. The South African authorities stated that specialised equipment supporting the weapon systems in the form of computerised testing equipment has been rendered useless through the destruction of the specific software. The equipment used in connection with the Kalahari test shafts is standard equipment, except for the cages for personnel and cameras, which the team suggested should be scrapped.

GENERAL CONCLUSIONS

28. The status of the implementation of the safeguards agreement between the Republic of South Africa and the Agency is satisfactory and it is expected that all outstanding facility attachments will enter into force during 1994. No practical difficulties have been encountered which would impede the attainment of inspection goals. Inspection activities to clarify the apparent discrepancy in the uranium-235 balance associated with the low enriched uranium produced by the semi-commercial enrichment plant will now proceed and the results obtained will be evaluated by the team.

29. The magnitude of the apparent discrepancy in the uranium-235 balance associated with the pilot enrichment plant has been reduced to such a level that, having regard to the normal

uncertainties expected to be involved in the plant historical operating and accounting records, it is reasonable to conclude that the uranium-235 balance of the high enriched uranium, low enriched uranium and depleted uranium produced by the pilot enrichment plant is consistent with the uranium feed. Assessment of the production capacity of the pilot enrichment plant, on the basis of operating records and supporting technical data provided to the team by the AEC, indicates that it is reasonable to conclude that the amounts of HEU which could have been produced by the plant are consistent with the amounts declared in the initial report.

30. The team's audit of the associated records indicated that all of the HEU provided by the AEC to the nuclear weapons programme had been returned to the AEC and was subject to Agency safeguards at the time of entry into force of the safeguards agreement. Similarly all of the enriched material produced by the AEC and processed at the ARMSCOR/Circle facilities, in connection with the manufacture of fuel for the SAFARI-1 research reactor, had been returned to the AEC and was subject to Agency safeguards at the time of entry into force of the safeguards agreement. There was no indication to suggest that substantial amounts of depleted or natural uranium used in the nuclear weapons programme are unaccounted for.

31. The findings from the team's examination of records, facilities and remaining non-nuclear components of the dismantled/destroyed nuclear weapons and from the team's evaluation of the amount of HEU produced by the pilot enrichment plant are consistent with the declared scope of the nuclear weapons programme. The team found no indication to suggest that there remain any sensitive components of the nuclear weapons programme which have not been either rendered useless or converted to commercial non-nuclear applications or peaceful nuclear usage.

32. In the future, and without prejudice to the Agency's rights under the safeguards agreement, the Agency plans to utilise the standing invitation of the South African Government - under its reiterated policy of transparency - to provide the Agency with full access to any location or facility associated with the former nuclear weapons programme, and to request access on a case-by-case basis to other locations or facilities that the Agency may specifically wish to visit.

Attachment 1

CHRONOLOGY OF THE MAIN EVENTS IN THE NUCLEAR WEAPONS PROGRAMME

- 1970 Uranium enrichment project announced
- 1971 Approval for R&D based on gun-assembled device relating to nuclear explosions for peaceful purposes
- 1973 Investigation into separation of lithium isotopes
- 1974 Prime Minister approves limited programme for development of nuclear weapons as deterrent
- First stage of pilot enrichment plant commissioned
- Approval for test site development in Kalahari desert
- 1975 Work on Kalahari test shafts commenced
- 1976 Export from USA of fuel for SAFARI-1 research reactor stopped
- 1977 Kalahari test site abandoned
- Full cascaded operation of the pilot enrichment plant
- 1978 First HEU product withdrawn from the pilot enrichment plant
- 1979 First nuclear device completed by the AEC
- Decision that ARMSCOR should take over programme and produce all further devices
- 1980 Construction of tritium handling laboratory completed
- 1981 ARMSCOR/Circle facilities completed
- Approval of Gouriqua programme for commercial PWR technology development, as well as possible future tritium and plutonium production
- 1982 Second device completed
- 1985 Government decision to limit number and type of devices to seven gun-assembled devices, to further develop implosion technology and to study more advanced concepts
- lithium-6 Avlis programme redirected towards lithium-7 production for water chemistry control in commercial power reactors
- 1987 Commercial programme for tritium radioluminescent light sources started
- 1987-89 Completion of four additional devices
- 1989-91 Construction of facilities at ARMSCOR/Advena Central Laboratories
- 1989 Decision to terminate nuclear weapons programme (November)
- Gouriqua programme stopped
- 1990 Pilot enrichment plant ceased operation (February)
- Order by State President for destruction of the six completed nuclear devices and the incomplete seventh device (26 February)
- 1991 Accession to the NPT (10 July)
- All HEU returned from ARMSCOR/Circle to the AEC (14 March - 6 September)
- Signature and entry into force of the safeguards agreement (16 September)
- Initial report submitted (30 October)
- Ad hoc inspections start (November)
- 1993 Destruction of documentation relating to nuclear weapons programme ordered by State President on 17 March; destruction completed on 23 March
- State President's announcement in Parliament of the existence and subsequent abandonment of the former nuclear weapons programme (24 March)
- Preliminary visit by Agency team members to the ARMSCOR/Circle facilities (25 March)
- Visits of the Agency team to assess the status of the former nuclear weapons programme (22 April - 4 May, 3 - 11 June and 9 - 13 August)

Attachment 2

FACILITIES VISITED BY THE AGENCY TEAM

The facilities visited by members of the team during the assessment of the status of the former nuclear weapons programme included:

- (a) The buildings of the AEC establishment at Pelindaba where the initial research and development phase took place and the first demonstration nuclear device was manufactured, as well as the buildings where the HEU and the uranium metal were produced and the laboratories involved with the tritium and lithium-6 programme and the development work on neutron generators.
- (b) The ARMSCOR/Circle establishment near Pelindaba where the first device was ultimately stored and the five other completed devices were manufactured, assembled and stored. This establishment included the high security vaults where the six completed devices and the enriched uranium necessary for a seventh device were stored, high explosive test cells, nuclear material casting and machining workshops (now dismantled), conventional workshops for the production of mechanical and electrical components and an environmental testing facility.
- (c) The facilities of the ARMSCOR/Advena Central Laboratories near the ARMSCOR/Circle establishment, which were intended for further nuclear weapons development work on advanced gun-assembled and implosion-type devices. The facilities included bunkers for explosives processing and testing, an "integration building" for advanced weapons assembly and integration with delivery systems, high-security storage vaults and an explosion test chamber. These facilities were just being completed at the time the programme was cancelled and played little role in the programme.
- (d) An explosives test facility, including a small instrumentation bunker, located on military property near Potchefstroom.
- (e) A purpose-built high-security vault, in a military ammunition depot at Roedtan, which had been intended for the storage of nuclear devices.
- (f) An abandoned coal mine, at Witbank, which had been used as a military ammunitions depot and where the first device had been temporarily stored.

/...

- (g) The Vastrap site in the Kalahari desert, now being used by the South African Air Force as a firing range, where the two shafts prepared for underground testing of the devices were located. The shafts have now been rendered useless.
- (h) ARMSCOR facilities at the Kentron Central Factory near Pretoria, at Naschem, near Boskop, and at the Somchem establishment in the Cape Province. It was at the propulsion laboratory of Somchem, in 1972/1973, that a small team of AEC personnel carried out research and development work on the mechanical and pyrotechnic sub-systems of nuclear devices. The experience gained through this work enabled the AEC to design a scale model of a gun-assembled device. This first model utilized a projectile made from non-nuclear material and was tested for the first time in May 1974. The first full-scale experimental set-up with a natural uranium projectile was tested at this facility during 1976 and proved the mechanical integrity of the design. All activities were moved from Somchem to Pelindaba during 1977.
- (i) The site at Gouriqua, in the Cape Province, where it was planned to build a reactor facility for the possible production of plutonium and tritium. Beyond some rudimentary civil engineering preparations, the site was never developed; it was recently been sold by the AEC to a private purchaser.
- (j) The Alkantpan firing range, in the Cape Province, where some development work had been undertaken on heavy metal armour penetrators, involving a small number of test firings using depleted uranium and shaped charges. Although there are common areas between this technology and implosion technology, the team found no apparent link between the Alkantpan test range and the former nuclear weapons programme. The diagnostic facilities at Alkantpan were not considered to be particularly useful to a nuclear weapons development programme.

Appendix II

**ASSISTANCE TO AFRICAN STATES IN THEIR EFFORTS TOWARDS THE
ESTABLISHMENT OF A NUCLEAR WEAPON FREE ZONE IN AFRICA**

1. The request to the Director General in resolution GC(XXXVI)/RES/577 to assist African States in their efforts towards the establishment of a Nuclear-Weapon-Free Zone (NWFZ) in Africa must be seen in the context of United Nations resolutions on the matter.
2. Pursuant to resolutions 45/56 A of 4 December 1990 and 47/76 of 15 December 1992, meetings of experts were organized by the United Nations, in co-operation with the Organization of African Unity (OAU), in Addis Ababa, Ethiopia, from 6 to 10 May 1991, in Lome, Togo, from 28 to 30 April 1992 and in Harare, Zimbabwe from 5 to 8 April 1993. In addition to experts selected by the United Nations and the OAU, participants included representatives of African Governments. Also invited were representatives of some States Parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America and to the South Pacific Nuclear-Free Zone Treaty.
3. At the invitation of the United Nations, the Secretariat participated in all meetings of the Expert Group. At the first two meetings, the experts noted the significance of making full use of the possibilities of co-operation and assistance offered to them by the IAEA. They noted in particular that, up to that time, a number of African countries had been unable fully to assess either the opportunities which could be provided through co-operation with the IAEA in the field of using nuclear energy for peaceful purposes or the potential role of the IAEA in ensuring adequate verification arrangements in any Treaty to make Africa a Nuclear-Weapon-Free Zone (NWFZ).
4. In its report to the United Nations General Assembly in 1991 in document A/C.1/46/9, the Group of Experts said that "all the States should declare their nuclear programmes and agree to subject them to verification procedures to be carried out within the framework of the Treaty by the OAU in co-operation with the IAEA." They also underlined the need for every State party to that Treaty "to enter into a full safeguards agreement with the IAEA."

5. Pursuant to resolution 47/76 of 15 December 1992, the United Nations General Assembly) inter alia, requested the Secretary General, in consultation with the OAU, "to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet during 1993 at Harare, in order to draw up a draft treaty or convention on the denuclearization of Africa, and to submit the report of the Group of Experts to the General Assembly at its forty-eighth session".

6. The Secretariat was requested by the United Nations to nominate an expert to participate in the preparations for and the third meeting of the Expert Group, specifically by preparing draft Treaty provisions relevant to verification requirements in a future NWFZ in Africa. The Secretariat complied with these requests. The third meeting was held in Harare, from 5-8 April 1993.

7. At that meeting, the Expert Group considered, inter alia, the working text of a draft Treaty on a NWFZ in Africa. Although a substantial measure of agreement was reached on the draft, the group was unable, because of time constraints to complete its work. The group therefore agreed "to request the Secretary-General of the United Nations, in consultation with the OAU, to convene a further meeting of the UN/OAU Group of Experts, in order to enable the Group to finalize the drafting of a Treaty on a Nuclear-Weapon-Free Zone in Africa".

8. It is expected that, pursuant to resolution A/RES/47/76 of the United Nations General Assembly, the Chairman of the Third Meeting of the Group of Experts will submit the Group's report, including the draft text of a Treaty on a NWFZ in Africa to this year's meeting of the General Assembly.



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of human rightsReport of the Secretary-General

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Introduction

1. The present report has been prepared pursuant to paragraph 15 of resolution 46/124 of 17 December 1991, by which the General Assembly requested the Secretary-General to report to it on the implementation of the resolution. It contains information on activities undertaken at the international level to enhance the dissemination of principles relating to the status of national institutions and thus trigger the promotion of such institutions in countries that do not have any. The report also stresses the role of national institutions and their activities during the World Conference on Human Rights and describes future activities designed to sustain the momentum for the establishment of national institutions for the promotion and protection of human rights as well as technical assistance programmes executed by advisory services for the States that wish to strengthen the action of their institutions and for those that intend to establish such institutions.

I. PRESENTATION OF THE PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS

2. It should be recalled that the first International Workshop on National Institutions for the Promotion and Protection of Human Rights was held in Paris in October 1991. The main results of the Workshop were a set of principles concerning the status of commissions and their advisory role and the emergence of an international network or community of national institutions. At its forty-eighth session, the Commission on Human Rights adopted resolution 1992/54 of 3 March 1992 containing the guidelines adopted at Paris in October 1991 under the heading "Principles relating to the status of national institutions" resulting from the International Workshop on National Institutions for the Promotion and Protection of Human Rights and decided to transmit those principles to the General Assembly for adoption. Moreover, by its decision 1992/233 of 20 July 1992, the Economic and Social Council approved the Commission's request to the Secretary-General to publicize the proceedings of the International Workshop on National Institutions for the Promotion and Protection of Human Rights ¹/ and undertake follow-up activities, and to commence the planning of a follow-up international workshop in 1993, following the World Conference on Human Rights, and submit a report on those preparations to the Commission at its forty-ninth session, and decided to transmit to the General Assembly for adoption the principles relating to the status of national institutions recommended in the report of the International Workshop and contained in the annex to Commission resolution 1992/54. The text of those Principles, sometimes called the "Paris Principles", is reproduced in the annex to the present document.

3. The Principles are divided into four parts; the first three constitute the principles proper while the fourth is devoted to additional principles:

(a) The first part deals with the competence and responsibilities that a national institution must have. It stresses the need to give national institutions as broad a mandate as possible, through a constitutional or legislative text. It also stipulates that on matters concerning the promotion

and protection of human rights, both the executive and the legislative branches shall cooperate closely with national institutions;

(b) The second part sets forth the criteria relating to the composition and guarantees of independence and pluralism of national institutions. It stresses the importance of the pluralist representation of the social forces, especially of civilian society, in order to guarantee the credibility of the institutions;

(c) The third part deals with the methods of operation designed to make the action of national institutions truly effective. The aim here is to ensure that national institutions have wide powers to consider allegations of human rights violations, conduct inquiries, organize themselves as they see fit and maintain relations with jurisdictional bodies and non-governmental organizations;

(d) The fourth part deals with additional principles concerning the status of commissions with quasi-jurisdictional competence. This part recognizes, over and above the competence legally vested in the judiciary power, the competence of national institutions to hear and consider complaints and petitions concerning individual situations where there is a presumption of human rights violations.

4. The Principles on National Institutions, once approved by the General Assembly, will have an important guiding function in the establishment of new institutions and in the strengthening of existing ones. For this reason, Governments to whom assistance in the field of national institutions is provided under the Advisory Services Programme will be encouraged to utilize the principles in order to ensure the development of strong and effective institutions.

II. DISSEMINATION OF THE PRINCIPLES

5. A number of international conferences have made the "Paris Principles" more widely known and encouraged many United Nations Member States to subscribe to the idea of a national institution as an appropriate vehicle for protecting and promoting human rights. These meetings included the Commonwealth Workshop on National Human Rights Institutions (Ottawa, 30 September-2 October 1992), the second regional workshop for the Asia-Pacific region on Human Rights Issues held at Jakarta from 26 to 28 January 1993 and the meeting of representatives of national institutions and organizations encouraging tolerance and harmony and action to combat racism and racial discrimination which was held at Sydney, Australia, from 19 to 23 April 1993.

6. Moreover, the regional meetings for Africa, Latin America and Asia organized as part of the preparations for the World Conference on Human Rights reaffirmed the importance of the role of national institutions for the promotion and protection of human rights. In its resolution AFRM/2, the Regional Meeting for Africa specifically indicates that States should be guided by the Principles relating to the status of national institutions in establishing, within the framework of their national legislation, national institutions for the promotion and protection of human rights.

A. Commonwealth Workshop on National Human Rights Institutions

7. A Commonwealth Workshop on National Human Rights Institutions was held in Ottawa from 30 September to 2 October 1992. The meeting was attended by a cross-section of "ombudsmen" from different Commonwealth countries and the host country, as well as some human rights commissioners. The Centre for Human Rights was represented by an observer.

8. The objective of the Workshop was to share expertise and experiences throughout the Commonwealth on national human rights institutions. It reviewed, inter alia, the philosophical and functional importance of national institutions in any jurisdiction, the political realities of setting up and maintaining a viable national institution, the importance of independence and resources in this context, as well as its interlinkage to international human rights instruments and the World Conference on Human Rights.

9. There was general agreement on the need for encouraging "promotional" institutions aimed at increasing the enjoyment of human rights for individuals and groups, which would ultimately constitute a powerful force towards the development of effective institutions providing for the greater enjoyment of human rights and fundamental freedoms.

10. The discussions also focused in detail on the role and functions of the office of the ombudsman, as distinct from national human rights commissions. There was a consensus that the jurisdiction of the ombudsman was to ensure general fairness and legality in public administration, and to deal with individual complaints. National human rights commissions, on the other hand, had a wider jurisdiction and specifically focused on human rights and non-discrimination.

11. Emphasis was laid, in this respect, on the importance of Commonwealth countries' ratifying the main international human rights instruments and, in particular, the two International Covenants.

12. In their recommendations, the participants in the Commonwealth Workshop stressed that in the establishment and operation of national institutions, due attention should be paid to the "Principles relating to the status of national institutions", particularly in relation to:

"The jurisdiction and functions of national institutions, dealing with the complaints, review of legislative and administrative measures, and public education and promotion of awareness of and respect for human rights;

"The need for national institutions to provide effective and accessible remedies in relation to complaints of violation of human rights;

"The need to ensure that national institutions are accessible and credible to individuals and groups in disadvantaged sections of society;

"The need for national institutions to be able to work with non-governmental organizations; and

"The possibility where appropriate, of such institutions' monitoring national compliance with international and regional instruments."

B. Second Asia-Pacific Workshop on Human Rights Issues

13. A Workshop on Human Rights Issues was held in Jakarta, Indonesia, from 26 to 28 January 1993, attended by representatives of States, national institutions and non-governmental organizations from the Asia-Pacific region. One objective of the Workshop was to encourage the creation of national human rights institutions in the region.

14. In the discussion on the topic of national institutions, it was recognized that while such institutions for the protection and promotion of human rights remained scarce in the Asia-Pacific region, they had been set up or were being set up in a number of States. Several delegations, including those of India, Indonesia, Sri Lanka and Thailand informed the gathering of steps being taken in their respective countries towards the establishment of national human rights machinery. Other delegations explained the various means by which their legal and/or administrative systems operated to protect human rights. 2/

C. Meeting of national institutions and organizations encouraging tolerance and harmony and action to combat racism and racial discrimination

15. This meeting, organized by the Centre for Human Rights in cooperation with the Australian Human Rights and Equal Opportunity Commission, was held in Sydney from 19 to 23 April 1993. The meeting made possible a better understanding of the role played by national institutions in the specific domain of action to combat racism and racial discrimination. Those taking part were the national institutions of Australia, Cameroon, China, France, India, Mexico, New Zealand, the Philippines, the Russian Federation and Turkey.

16. The importance of the meeting lies in the fact that, in accordance with the third of the Principles relating to the status of national institutions, such institutions are responsible for submitting to the Government, Parliament and any other competent body opinions, recommendations, proposals and reports on any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights. Hence national institutions are appropriate mechanisms for identifying legal means whereby modern manifestations of racism and racial discrimination can be outlawed.

**III. NATIONAL INSTITUTIONS AND THE WORLD CONFERENCE
ON HUMAN RIGHTS**

17. In its resolution 46/124 of 17 December 1991, the General Assembly expressed the conviction that national institutions could play a significant role in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms.

18. The General Assembly also recommended that the Preparatory Committee for the World Conference on Human Rights should examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions. In response to the General Assembly's wishes, the Preparatory Committee approved the participation of national institutions as observers at the World Conference.

19. During the meetings that they held from 14 to 16 June 1993 in parallel with the Conference, some 30 national institutions discussed questions of common interest, including the factors which affect the creation of national institutions and similar bodies, ways of enhancing their efficiency, and the establishment of an appropriate structure for the exchange of data and experience among existing national institutions. This exchange of views enabled national institutions to make a noteworthy contribution to the general debate at the Conference and to submit a resolution to the plenary Conference and recommendations to the Drafting Committee. These recommendations were duly included in the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights. 3/

20. In the first part of the document, the World Conference acknowledges that "increased efforts should be made to assist countries which so request to create the conditions whereby each individual can enjoy universal human rights and fundamental freedoms. Governments and the United Nations system as well as other multilateral organizations are urged to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society". 4/

21. In addition, "the World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and education in human rights". It therefore encourages "the establishment and strengthening of national institutions, having regard to the 'Principles relating to the status of national institutions' and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level". 5/

22. In the second part of the same document, in the context of measures designed to combat racism, racial discrimination, xenophobia and other forms of intolerance (sect. B.1), "the World Conference on Human Rights urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena". 6/

23. With regard to cooperation, development and strengthening of human rights (sect. C), the World Conference stresses the need for the implementation of *strengthened advisory services and technical assistance activities* by the Centre

for Human Rights, including "strengthening the institutions of human rights and democracy, the legal protection of human rights, training of officials and others, broad-based education and public information aimed at promoting respect for human rights". 7/

24. With regard to human rights education (sect. D), the World Conference considers that "Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should promote an increased awareness of human rights and mutual tolerance". 8/

25. With respect to implementation and monitoring methods for human rights (sect. E), the World Conference "urges Governments to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national structures, institutions and organs of society which play a role in promoting and safeguarding human rights". 9/

26. The World Conference also recommends "the strengthening of United Nations activities and programmes to meet requests for assistance by States which want to establish or strengthen their own national institutions for the promotion and protection of human rights". 10/

27. The World Conference "also encourages the strengthening of cooperation between national institutions for the promotion and protection of human rights, particularly through exchanges of information and experience, as well as cooperation with regional organizations and the United Nations". 11/

28. The World Conference "strongly recommends in this regard that representatives of national institutions for the promotion and protection of human rights convene periodic meetings under the auspices of the Centre for Human Rights to examine ways and means of improving their mechanisms and sharing experiences". 12/

29. Finally, in the context of the follow-up to the World Conference and to mark the fiftieth anniversary of the Universal Declaration of Human Rights, national human rights institutions may present their views to the Secretary-General of the United Nations on the progress made in the implementation of the Vienna Declaration. 13/

30. In addition, on 16 June 1993 the representatives of national institutions meeting in Vienna adopted a resolution 14/ reaffirming the importance of the "Paris Principles" (see para. 2 above) as a point of reference for the establishment of national institutions. In the same resolution, they also recommended "the creation within the United Nations system of a board of directors, including, in particular, representatives of national institutions, to oversee the use of a voluntary fund to encourage the creation of national institutions and the strengthening of cooperation among them, particularly through exchanges of information and experience, as well as through cooperation with regional organizations and the United Nations".

31. The national institutions meeting in Vienna also decided to set up an informal coordinating committee of national institutions consisting of representatives of national institutions from Australia, Cameroon, Canada, France, Mexico, New Zealand, the Philippines and Tunisia, to consider human

rights questions of particular interest to national institutions. The coordinating committee discussed problems relating to the sexual exploitation of children, violence against women, and the implementation of the rights of the disabled.

IV. ADVISORY SERVICES AND TECHNICAL ASSISTANCE FOR NATIONAL INSTITUTIONS

32. Under its programme of advisory services and technical assistance, the Centre for Human Rights is engaged in a wide range of activities that seek to achieve the objective of the Charter of the United Nations of promoting respect for human rights and fundamental freedoms for all. Programme activities include the provision of assistance for the incorporation of human rights norms in national constitutions, in the legal and technical aspects of democratic elections and in the development and revision of national legislation to ensure its conformity with international human rights standards. Practical assistance is also provided in support of an independent judiciary, and fellowships and training courses organized for national officials involved in the administration of justice or otherwise concerned with implementing international human rights standards at the national level, including legislators, judges, lawyers, prosecutors, members of the police and security forces. Other target groups for the Centre's training activities include teachers, union officials, the media and human rights non-governmental organizations.

33. One central objective of the programme is to consolidate and strengthen further the role that national institutions can play in the promotion and protection of human rights. For the purposes of advisory services and technical assistance, the term "national institution" is interpreted flexibly to mean any body which is established by a Government to play a central role in the domestic human rights situation. Such institutions can generally be subdivided into categories, including human rights commissions, offices of ombudsmen and procurators, research and training institutes and specialized institutions with competence in a particular area. In its provision of assistance to Governments in the field of national institutions, the Centre recognizes the crucial importance of the concept of independence. Governments receiving assistance are therefore encouraged to work towards the creation of truly independent institutions in accordance with the Principles on National Institutions.

34. Assistance to national institutions under the advisory services and technical assistance programme takes several different forms. The Centre offers its services to Governments which are considering or are in the process of establishing a national human rights institution. Assistance in such cases may be financial or may involve provision of the services of an expert to advise governmental authorities on suitable models and the transmission of technical information and comparative legislation to facilitate the task of legislative drafting. If a national institution has already been established, the Centre is able to offer similar forms of assistance aimed at strengthening the institution and enhancing its capacity to play a central role in human rights promotion and protection.

35. Increasingly, the Centre is attempting to utilize the services of existing national institutions in the implementation of its country programmes. In this

context, the national institution may cooperate with the Centre in organizing training courses and seminars, translating human rights instruments or coordinating the work of national non-governmental organizations. This approach offers distinct benefits on both sides. A national institution can be an important facilitator for the Centre in its work and is often in a position to provide crucial administrative, technical and substantive support. The institution can be strengthened internally through its cooperative work with the Centre and gain much-needed support from both within and outside the Government.

36. Other activities of the advisory services and technical assistance programme related to national institutions are not oriented towards a particular country or institution but instead are aimed at promoting the concept of national human rights institutions and encouraging their development on a broad basis. To this end, the Centre has produced information materials and is currently developing a practical manual for those involved in the establishment and administration of national institutions. The Centre has also conducted a number of seminars and workshops to provide government officials with both information and expertise in the structure and functioning of such bodies. These events have also served as useful forums within which to promote the exchange of information and experience concerning the establishment and operation of national institutions.

37. Reference is made in paragraph 7 of General Assembly resolution 46/124 to regional human rights institutions. The objectives and methods of the Centre's programme of assistance to these bodies are quite different from those upon which the programme of assistance to national institutions is based. For this reason it may be more appropriate for discussion of these respective topics to be kept separate. Nevertheless, in view of the paragraph referred to above, the present report will make a brief reference to these particular activities under the relevant heading.

38. In addition to its activities in the field of national institutions, the Centre for Human Rights provides assistance to a number of Governments in developing human rights centres within relevant ministries. Often these centres serve as focal points for training and the dissemination of information and in this way prove to be valuable contributors to the development of a human rights culture at the national level. Assistance of this kind has been or is being provided, among others, to the Governments of Argentina, Paraguay and Uruguay. Further information on these aspects of the Centre's advisory services programme may be found in the Centre's report to the Commission on Human Rights in 1993. 15/

A. Advisory services and technical assistance activities

1. Africa

(a) Algeria

39. The Centre for Human Rights has provided documentation and information material to the Government of Algeria to assist in the strengthening of the Observatoire national des droits de l'homme, a recently established national institution. The Centre has also facilitated cooperation between the

Observatoire and the Arab Institute for Human Rights at Tunis to assist the former in setting up a documentation unit.

(b) Benin

40. A National Commission on Human Rights has been established in Benin. The Centre for Human Rights has in the past provided this institution with documentation and information materials and will continue to do so in the future. In October 1992, the Centre arranged for the advisory services of an expert to assess the needs of that country in the field of human rights. The expert's report and the recommendations contained therein will form the basis of a technical assistance project to be elaborated by the Centre for Human Rights in collaboration with the Government of Benin. The project will be implemented with the cooperation and assistance of the National Commission on Human Rights.

(c) Burundi

41. The Centre for Human Rights has established and maintained contact with the National Centre for Promotion of Human Rights in Burundi. A needs assessment mission was organized under the programme of advisory services and technical assistance and conducted by an expert appointed by the Centre in April 1993. The assessment by the expert of the human rights needs of Burundi will form the basis of a comprehensive project of technical assistance to be elaborated by the Centre in consultation with the Government of Burundi. The project is expected to be implemented through and with the cooperation of the National Commission for Human Rights.

(d) Cameroon

42. A National Commission on Human Rights and Freedoms has recently been established in Cameroon. The Centre for Human Rights has provided the Commission with documentation and information materials. A number of activities to be conducted with and through the Commission are currently being planned, including a training course for Commission members on international human rights standards and the functions of national human rights institutions, which is tentatively scheduled for September 1993.

(e) Togo

43. The Centre for Human Rights, through the advisory services and technical assistance programme, was heavily involved in the establishment, in 1990, of a National Commission on Human Rights in Togo. Several seminars were conducted and the Commission was provided with documentation and information materials. Contact with the Commission and the Centre is continuing.

(f) Other assistance at the national level

44. The Centre for Human Rights is currently conducting discussions with the Governments of a number of additional countries in Africa which are involved or interested in receiving assistance in the establishment or strengthening of national institutions, including Morocco, Namibia and the United Republic of Tanzania. Similar discussions are being conducted in South Africa.

(g) Regional institutions

45. For a number of years, the Centre for Human Rights has been providing support and assistance to several regional centres for documentation and training located in Africa, including the African Commission on Human and Peoples' Rights of the Organization of African Unity; the Arab Institute for Human Rights at Tunis and the African Centre for Democracy and Human Rights Studies at Banjul. Details of the assistance provided to these institutions may be found in the most recent report of the Centre for Human Rights on its advisory services programme. 15/

2. Asia

Regional workshop

46. Pursuant to Commission on Human Rights resolution 1992/40, and under its programme of advisory services and technical assistance, the Centre for Human Rights organized the Second Workshop for the Asia-Pacific Region on Human Rights Issues at Jakarta from 26 to 28 January 1993. Participants included senior officials from the Asian and Pacific region as well as representatives of national institutions, United Nations agencies and non-governmental human rights organizations active in the region. Issues concerning the establishment and development of national human rights institutions formed one of the central themes of the Workshop as part of a broader consideration of the role of States in the implementation of international human rights standards. The panel for discussion of national institutions was composed of the Human Rights Commissioners of Australia, the Philippines and New Zealand. Each presenter gave an overview of the structure and functioning of the institution in his or her country, including the legal basis for its creation and a history of its development. A number of specific topics were then examined by the panel, including jurisdiction and competence; relations between national institutions, the State and other partners; and issues of autonomy and independence. The final session was in the form of a round-table discussion of the ways in which a national institution could become an effective instrument in promoting and protecting human rights at the domestic level. 2/

3. Europe

(a) Poland

47. In 1992, the Centre commenced the implementation of a technical assistance project in the Government of Poland to enhance human rights infrastructures in that country. Assistance has been provided to help strengthen national human rights infrastructures, including non-governmental centres for research, documentation and training in the field of human rights.

(b) Romania

48. Under its country programme of advisory services and technical assistance to the Government of Romania, the Centre for Human Rights has been involved in a number of activities directed towards the establishment of national

infrastructure for the promotion and protection of human rights. In 1990, the Centre provided technical assistance in the drafting of the Romanian Constitution which, inter alia, provides for the establishment of a "Defender of the People" (Ombudsman) to defend the rights and liberties of the citizens of that country. In the course of 1992, the Centre assisted the Romanian legislature in its drafting of an organic law to give effect to this constitutional provision by collecting and forwarding to the Government legislative provisions from a number of democratic jurisdictions relating to the establishment and functioning of an institution similar to that envisaged in the Constitution.

49. The Centre has been providing financial, organizational and documentary support to the Romanian Institute for Human Rights, which was established as an independent national institution by the Romanian Parliament in 1991. All information and training components of the technical assistance project in Romania are implemented through and with the cooperation of the Institute.

50. In May 1993, the Centre organized, in cooperation with the Romanian Institute of Human Rights, the Workshop on Conflict Resolution between the Citizen and the State. The Workshop was directed towards labour unions, non-governmental organizations, minorities and persons involved in establishing the Office of the Ombudsman. Participants received training from persons expert in conflict resolution from one or more of the above-mentioned perspectives. The panel of experts included the Deputy Ombudsman of the Netherlands, who explained the structure and functions of that office and conducted discussion groups on how the Ombudsman could best be utilized to promote and protect human rights and fundamental freedoms.

(c) Slovak Republic

51. The Centre for Human Rights is currently engaged in discussions with the Government of the Netherlands and the newly established Government of Slovakia concerning possible cooperative assistance in the establishment of a national human rights institution at Bratislava. The envisaged institution will have a broad mandate including legislative review, training and information dissemination. In terms of both legal status and composition, it will conform to the Paris Principles on National Institutions reproduced in the annex to the present report.

4. Latin America

(a) Guatemala

52. The Centre for Human Rights has been involved for a number of years in the provision of advisory services and other forms of technical assistance in the field of human rights to the Government of Guatemala, aimed at fostering and strengthening the consolidation of the democratic process and promoting a human rights culture in that country. In this context, the Centre has provided practical assistance in the establishment and subsequent development of the Office of the Human Rights Procurator. This institution has proved to be a crucial element in the struggle for human rights in Guatemala. 16/ Assistance was also provided in the establishment of a documentation centre within the

Presidential Coordinating Commission on Executive Policy in the Field of Human Rights. The documentation centre contains information on all major developments in the field of human rights.

(b) Colombia

53. The Centre has been executing a technical assistance programme in cooperation with the United Nations Development Programme (UNDP) and the Government of Colombia in order to strengthen national institutions for the promotion and protection of human rights in that country. In December 1992, an evaluation mission to review the above-mentioned programme took place. In its conclusions, 17/ the mission recommended, inter alia, the establishment of an independent commission to ensure the implementation of governmental human rights policies and to efficiently coordinate the relationship between the Government of Colombia and the international community as regards international human rights obligations. The Centre for Human Rights has also been working with UNDP and the Government of Colombia in the establishment of the Office of the Presidential Adviser on Human Rights. An evaluation report on the functioning of this Office is currently being prepared and will be released as a document of the Commission of Human Rights.

(c) Costa Rica

54. Under a technical assistance agreement concluded in 1992 between the Centre for Human Rights and the Government of Costa Rica, two government officials are to receive human rights training each year. Training is provided on human rights norms and standards in general and on the functioning of the Office of the Ombudsman in particular. An exchange of knowledge and experience between participants and staff of the Spanish Office of the Ombudsman is a feature of the programme.

(d) Honduras

55. The Government of Honduras has recently established an Office of the High Commissioner on Human Rights. Under its advisory services programme, the Centre provided advice and assistance to the Government on this project through the UNDP office in Honduras.

B. Information and training materials

1. Fact Sheet on national institutions

56. In May 1993, the Centre for Human Rights published Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights. The Fact Sheet is aimed at the non-specialist public. It explains, in clear terms, the concept of national human rights institutions; it then identifies the various forms which they can take and sets out the basic criteria for effective functioning. The Fact Sheet will be widely disseminated in all six official languages of the United Nations.

2. Manual on national institutions for the promotion and protection of human rights

57. The Centre for Human Rights is currently in the process of developing a manual on national institutions directed primarily at parliamentarians and governmental officials engaged in the establishment of new institutions and those involved in the further development and strengthening of existing ones. The manual is intended to be a practical tool to assist these persons by reference to international standards and comparative practice. It will contain detailed information regarding the structure, functioning, organization and competence of a range of possible models, including national commissions; offices of ombudsmen and procurators; national research and training institutes; and specialized institutions with competence in a particular area, such as racial discrimination. Substantive sections describing the structure and functioning of each model will be followed by a comprehensive directory of existing institutions, including model legislation. A final section will reproduce the United Nations Guidelines for the Establishment and Functioning of National Human Rights Institutions, along with selected information which emerged from the Paris Conference on National Institutions organized by the Centre in 1991 and the workshop held parallel to the World Conference on Human Rights.

V. FOLLOW-UP MEETING FOR NATIONAL INSTITUTIONS

58. Pursuant to the provisions of resolution 1992/54, the Commission on Human Rights has planned to hold additional international meetings in 1993, following the World Conference. In accordance with the formal proposal made by the Tunisian Government at the World Conference, these meetings could be held in Tunis in December 1993.

59. The particular objectives of these meetings are: (i) to confirm the establishment of the coordinating committee for national institutions (see para. 31); (ii) to examine methods for the implementation of the elements of the Vienna Declaration and Plan of Action that relate to the competence of national institutions, as well as the resolutions adopted by the coordinating committee at the World Conference; (iii) to study the plan for the creation, within the United Nations system, of a board of directors to oversee a voluntary fund to encourage the creation and development of national institutions; (iv) to draw up a draft technical cooperation programme aimed at improving exchanges of information and experience among national institutions, providing information to States desiring to establish national institutions and providing training for officials of existing national institutions who desire it.

ANNEX

Principles relating to the status of national institutions

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
 - (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if they are included, these representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Notes

1/ E/CN.4/1992/43 and Add.1 and 2.

2/ The English version of the report of this meeting appears as document A/CONF.157/ASRM/3. The report will eventually be released as a publication of the Centre for Human Rights.

3/ A/CONF.157/23.

4/ Ibid., para. 34.

5/ Ibid., para. 36.

6/ Ibid., para. 20.

7/ Ibid., para. 68.

8/ Ibid., para. 82.

9/ Ibid., para. 83.

10/ Ibid., para. 84.

11/ Ibid., para. 85.

12/ Ibid., para. 86.

13/ Ibid., para. 100.

14/ A/CONF.157/NI/6.

15/ E/CN.4/1993/61 and Corr.1 and Add.1.

16/ E/CN.4/1993/10, paras. 247-249.

17/ E/CN.4/1993/61, para. 146.
